



Memo

To:	Board of Agriculture members
From:	Stephanie Page, Natural Resources Program Area Director
Subject:	Background information for May 19, 2021 water supply panel discussion

Introduction

The May 18-19, 2021 Board of Agriculture meeting will include a panel discussion on water supply planning in Oregon. The goal of this panel discussion is to provide background information to support future Board deliberations regarding water supply-related resolutions.

Panelists include state natural resource agency personnel, agricultural stakeholders, and conservation stakeholders. Panelists will review existing agricultural water supply planning tools and the benefits and limitations of these tools. Panelists will also share perspectives on effective tools and processes for water supply planning for agriculture going forward.

ODA involvement in water supply planning

ODA has engaged in water supply planning efforts to support agricultural needs for several decades. ODA has applied for reservations in several basins of the state (reservations are described in more detail below); participated in state and local water supply planning efforts; advocated for resources for water use efficiency projects and strategies; and participated in the state's Drought Readiness Council.

In 2013, ODA received funding for a water quantity specialist associated with Oregon's Integrated Water Resources Strategy. The specialist participated in local planning efforts around the state and worked with the Oregon Water Resources Department to coordinate renewal of existing reservations. The person in the position, Margaret Matter, departed ODA for a promotional opportunity in Colorado in late 2020. The position is currently being held open for vacancy savings. Water quantity related needs from ODA are currently being provided by other staff as resources allow.

Existing Board resolutions on water supply planning

The Board of Agriculture has two active resolutions related to water supply planning. One recommends pursuing reservations of Columbia River water for future uses, and the other recommends that agriculture be considered equally in water resources planning efforts in the state and also recommends continued use of reservations. The resolutions are attached for reference. They are due to be reviewed in 2022 and 2023.

What are reservations?

A reservation is a volume of unappropriated water set aside for multi-purpose storage for future economic development uses. It is not the same as a water right - water rights must still be applied for to store and use reserved water.

Oregon law related to reservations was most recently updated in the late 1980s, at the same time instream water rights were created.

How are reservations secured?

The ODA may apply for water reservations and has done so in several basins in the state. Some reservations are currently in effect and have been renewed and extended over the past few years. Use of existing reservations has been limited.

Other proposed reservations have been pending for many years, awaiting outcomes of other processes such as endangered species recovery plans.

Benefits of reservations

A reservation of water has a priority date, so if a water user applies for a water right to store and use reserved water, and if water is available, the water rights granted would have the priority date of the water reservation.

It is important to note that water in Oregon is allocated through the prior appropriation doctrine. This means that water is made available to water users with water rights holding the oldest priority date first, and "junior" water right holders may only use water once senior water right holders have their water needs fulfilled. This is why a priority date associated with a reservation is useful for those who apply to store and use that water.

Another benefit of reservations is that the reserved water is removed from the Oregon Water Resource Department's calculations of water available in the affected basin.

What are the limitations of reservations?

A reservation does not guarantee that a water right will be granted. It only guarantees that if a water right is granted, the water user will be granted the priority date associated with a reservation. In addition, if the water

user is successful in applying for a water right, any new restrictions adopted between the time the reservation is established and the time the water user is granted the water right would apply.

What are other tools available for water resources planning in Oregon that can provide for future agricultural and other water needs?

Oregon's Integrated Water Resources Strategy (IWRS) provides a framework for water resources planning in Oregon. The IWRS is updated every five years through an inclusive planning process, and includes objectives to better understand and meet Oregon's instream and out of stream water needs.

Place-based efforts are an important component of the IWRS. Several local or place based planning processes have occurred around Oregon that can continue to be used for future planning efforts. Below are some key place-based efforts that have taken place around the state during the past 10 years.

- Placed based planning - four place-based planning efforts are underway in the Mid Coast, John Day, Harney, and Grande Ronde basins. These efforts involve an inclusive process where stakeholders review the status of water resources in the area, discuss challenges and opportunities, and develop recommendations for strategies to balance water uses in the future. These efforts receive funding and staff support from the Oregon Water Resources Department and several other state natural resource agencies including ODA. These are pilot projects and additional funding would be needed in order to launch place-based planning efforts in other areas of the state.
- Columbia River-Umatilla Solutions Task Force – In 2012, a task force co-convened by the Governor's Office and local leaders identified possible recommendations to meet future water needs in the Columbia-Umatilla area. This work was facilitated by Oregon Solutions, which has facilitated various task forces about complex natural resource issues in Oregon. This type of effort also involves commitment of state resources in order to conduct similar efforts.
- Deschutes Basin Water Collaborative – A stakeholder-led collaborative effort is underway in the Deschutes Basin to collaborate on critical water allocation and management issues, and develop strategies to meet stream flow, ecological, agricultural, and community needs for water.

The Oregon Water Resources Department also administers water supply planning grants for specific feasibility studies and on-the-ground water supply projects.

Irrigation modernization projects and other demand-side management efforts are another tool that have made water available to agricultural users, other out of stream needs, and instream needs. Federal, state, local partner funds, and irrigator investments have resulted in large-scale irrigation system piping, upgrades to more efficient irrigation water application equipment, and deployment and use of irrigation scheduling technology.

What considerations could be addressed in future water related resolutions or in revisions to existing resolutions?

- Consider the state's experiences with the benefits and limitations of reservations.

- Consider how the Board’s climate change resolution could be incorporated into water supply planning-related resolutions.
- Consider the state’s investments in multiple types of local, inclusive, and comprehensive place-based planning processes and the commitments and investments of stakeholders to participate in stakeholder-led processes.
- Consider the contributions of irrigation system modernization and water conservation efforts by irrigators, irrigation districts, and other partners.

Oregon State Board of Agriculture Resolution

Title: Reservation of Columbia River Water for Irrigation Purposes	Number: 029 Effective Date: 09/23/2020
Workgroup: Johnson, Kitamura, Myers, Raymond ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2023 Date of Last Review/Revision: 09/23/2020 Original Resolution Date: 12/12/1978
Board Chair: Stephanie Hallock	Signature on file

Background

Oregon law allows for reservations of water for multipurpose storage of water for future economic development uses, including agricultural use. A reservation is an amount of unappropriated water set aside for future use with a priority date. To use reserved water, a prospective user must successfully apply for a permit to store water and receives a priority date determined by the date of the reservation.

After Senate Bill 140 created reservations for future economic development in 1987, the Oregon Department of Agriculture applied for several reservations. Many of these reservations were granted and have been extended. Other proposed reservations were not adopted into basin plans due to other pending processes. The Columbia River proposed reservation was placed on hold pending completion of recovery plans for threatened and endangered Columbia River fish species.

Recovery plans for threatened and endangered fish species have not yet been finalized for the Columbia due to litigation and re-drafting of the plans, so the Columbia River reservations applied for by ODA remain on hold.

Resolution

Be it resolved that the Board of Agriculture recommends reservation of water in the Columbia River for irrigation and future agricultural needs.

Summary

Recommends reservation of water in the Columbia River for irrigation and future agricultural needs.

Oregon State Board of Agriculture Resolution

Title: Priority for Agricultural Use of Water	Number: 107 Effective Date: 09/27/2018
Sub-Committee: Natural Resources ODA Staff Contact: Stephanie Page	Next Review Date: 00/00/2022 Date of Last Review/Revision: 06/07/2018 Original Resolution Date: 04/12/1984
Board Chair: Tyson Raymond	Signature on file

Background

- I. Agriculture is a major industry in Oregon, providing a vital and important economic base for citizens of the state.
- II. Agriculture is a water user in the state and must be recognized as being a beneficial use of water and in the public interest; and
- III. Watershed damage and water supply depletion have resulted from numerous actions by man on the land and in the water and is not attributable to any single activity or water user group; and
- IV. Agriculture has been responsible for conservation projects which have served to enhance and stabilize water quantity and quality in the state.

Resolution

The Board of Agriculture believes that agriculture, along with other beneficial uses and users of water, must be considered equally and coordinated with all water resource planning and management activities in the state; and

Current and future agricultural uses of water must be accounted for as the state develops new instream water rights. We support the continued use of reservations to ensure that agricultural needs are accounted for as the state develops new instream water right applications.

Summary

Agricultural uses of water should be considered equally with all other beneficial uses in water resource planning and management activities within Oregon.